

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
8225 N. Boundary Road, 121.231
E. of Melbourne Avenue
S27th N. Boundary Road
12th Election District
14th Councilmanic District
Talbert & Shepke, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-373-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a garage setback of 10 ft. from alley centerline in lieu of 15 ft., more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 8225 N. Boundary Road, improved with a single family home, zoned D.R. 10.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to allow a garage setback of 10 ft. from alley centerline in lieu of 15 ft. for a detached garage in the rear yard.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and

for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of May, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a garage setback of 10 ft. from alley centerline in lieu of 15 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the garage or accessory storage structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. The subject garage and accessory storage structure shall not have any running water or public sewer connections and shall be strictly employed as a storage facility for personal property of the owners of 8225 North Boundary Road.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 14, 1991

Mr. and Mrs. Talbert J. Shepke
8225 North Boundary Road
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance
Case No. 91-373-A

Dear Mr. and Mrs. Shepke:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-373-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

200.2 to allow a garage setback of 10 feet from alley centerline in lieu of 15 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

THE PROPOSED VARIANCE WILL MAKE EASIER ACCESS TO THE GARAGE WITH NO DISRUPTION TO TRAFFIC FLOW, DUE TO LOCATION OF LOT TO THE ALLEY IN ADDITION SHEET ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Talbert J. Shepke

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

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City/State/Zip Code

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-373-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at
8225 NORTH BOUNDARY RD BALTO MD 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

THE PROPOSED LOCATION WILL MAKE EASIER ACCESS TO THE GARAGE WITH NO DISRUPTION TO TRAFFIC FLOW, DUE TO LOCATION OF LOT TO THE ALLEY (See attached sheet)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Talbert J. Shepke
AFFIANT (Handwritten Signature)

Talbert J. Shepke
AFFIANT (Printed Name)

Terri L. Shepke
AFFIANT (Handwritten Signature)

Terri L. Shepke
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of Feb, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Talbert J. Shepke

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2-1-91
DATE

Notary Public

My Commission Expires: 5/1/94

IN ORDER TO COMPLY WITH CRITICAL AREA REQUIREMENTS AS SUGGESTED BY NANCY SANFORD TO ALLOW BUILDING CLOSER TO ALLEY TO ALLOW PERVIOUS SURFACE. IN ADDITION I HAVE COMPLIED WITH ALL REQUIREMENTS AND WILL BE SENDING PROPOSED PLANS TO MR. DAVID FLOWERS.

Thank you
J. Robert Haines

91-373-A

Zoning Description

Beginning at a point on the south side of North Boundary Rd. which is 60 ft. wide at the distance of 104.23 ft. east of Melbourne Ave. *Being Lot #34, Block B, Section # in the subdivision of Eastcrest as recored in Baltimore County Plat Book #24, Folio #09, containing 4255 square feet. Also known as 8225 North Boundary Rd. and located in the 12th Election District.

91-373-A

3 COPIES

CRITICAL AREA

368

CRITICAL AREA
368

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 12th Date of Posting: 4/1/91

Posted for: No. 12th

Petitioner: Talbert J. Shepke, et ux

Location of property: 8225 N. Boundary Rd., Block B, Section # in the subdivision of Eastcrest as recored in Baltimore County Plat Book #24, Folio #09, containing 4255 square feet. Also known as 8225 North Boundary Rd. and located in the 12th Election District.

Location of Sign: Talbert J. Shepke, et ux

Remarks: No objection

Posted by: J. Robert Haines

Number of Signs: 1

Date of return: 4/1/91

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account R-001-6150
Number

Date

CRITICAL AREA

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04A04N0089WICHR
Please Make Checks Payable To: Baltimore County
04A04N0089WICHR

\$60.00

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

April 4, 1991

Mr. & Mrs. Talbert J. Shepke
8225 N. Boundary Road
Baltimore, Maryland 21222

Case Number: 91-373-A
Location: 8225 N. Boundary Road, 104.25' E. of Wellbourne Avenue
1375 N. Boundary Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before April 10, 1991. The last date (closing date) on which a petitioner may file a formal request for hearing is April 25, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean scheduling of the public hearing and requesting of the property. The public hearing will be scheduled approximately 10-15 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

J. G. Stephens
(301) 887-3391



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

April 10, 1991

Mr. & Mrs. Talbert J. Shepke
8225 N. Boundary Road
Baltimore, MD 21222

RE: Item No. 368, Case No. 91-373-A
Petitioner: Talbert J. Shepke, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Shepke:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

Your petition has been received and accepted for filing this 4th day of April, 1991.

J. Robert Haines
Zoning Commissioner

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Talbert J. Shepke, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 9, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Talbert J. Shepke, Item No. 368

In reference to the requested variances, staff offers the following comment:

This office has no objection to the requested variance. However, a restriction should be placed in the order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM368/ZAC1



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

APRIL 9, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: TALBERT J. SHEPKE
Location: #8225 NORTH BOUNDARY ROAD
Item No.: 368 Zoning Agenda: APRIL 9, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

received
4/10/91

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: May 23, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 368
Shepke Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8225 N. Boundary Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Talbert Shepke

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.2 of the Baltimore County Zoning Regulations to permit "a garage setback of 10 feet from alley centerline in lieu of 15 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
May 23, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This proposed garage is located approximately 1,000 feet from the tidal waters of Bear Creek. No disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore, no disturbance of wetlands shall occur.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: The applicant agrees to install french drains on the garage rainspouts. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter, Director

JDD:DCF:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mrs. Janice B. Outen
Mr. and Mrs. T. Shepke

11-373-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 9, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Talbert J. Shepke, Item No. 368

In reference to the requested variances, staff offers the following comment:

This office has no objection to the requested variance. However, a restriction should be placed in the order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM368/ZAC1

received
4/13/91

Item 368

CRITICAL AREA

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



887-3353

March 27, 1991

Mr. & Mrs. T. Shepke
8225 North Boundary Road
Baltimore, Maryland 21222

RE: Variance Application

Dear Mr. & Mrs. Shepke:

Your petition for a variance was accepted today. Enclosed please find your receipt. Your item number is 368. A sign should be posted no later than April 10, 1991. A date for the last day of hearing request will be printed on the sign. After the date on the sign, you will need to return the sign and post to this office.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

Catherine A. Milton
Catherine A. Milton
Planner I

CAM:jat
cc: File

91-373-A

February 1, 1991

91-373-A

For the purpose of construction of a garage by my neighbors at 8235 N. Boundary Rd. of Frank Vivuto, owner of property at 8231 N. Boundary Rd, have no objection to the above mentioned structure, including overhangs, being placed within 3 feet but not exceeding the existing property line.

Sincerely,
Frank Vivuto

CRITICAL AREA

308

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 8225 North Boundary Ave. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: EASTCREST
plat book 24, folio 9, lot 34, Block B, Plat ONE

OWNER: Talbert J. & Jean Shepke

91-373-A

DR 16 Petitioner's Exhibit 1

DR 10.5

DR 55

Scale of Drawing: 1" = 30'

North
date: 22 Feb 91
prepared by: CAM

CRITICAL AREA

LOCATION INFORMATION

Councilmanic District: 7
Election District: 12
1"=200' scale map#: SE 39
Zoning: DR 10.5
Lot size: acreage 4225 square feet .090±

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐ ☒ ☐
Prior Zoning Hearing: ☒ ☐ ☒ ☐
CRITICAL AREA: NONE
Zoning Office USE ONLY!
reviewed by: CAM
ITEM #: 368
CASE #:

CASE NUMBER

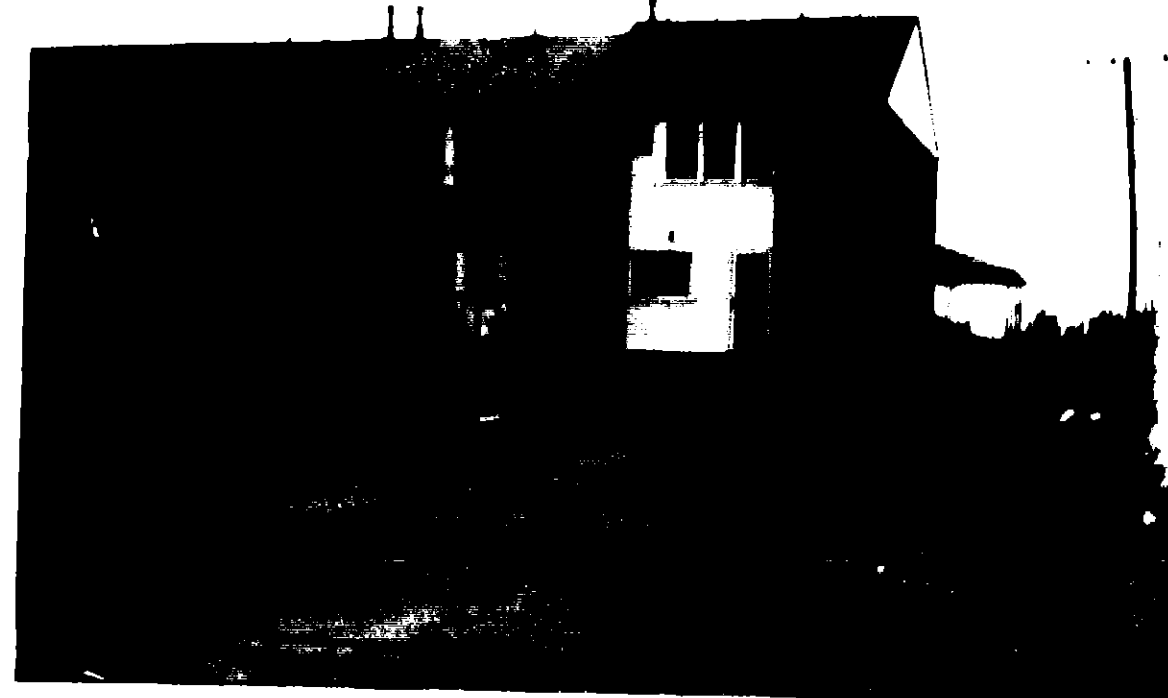
91-373-A



PETITIONER'S EXHIBIT # 2

CASE NUMBER

91-373-A



PETITIONER'S EXHIBIT # 3

CASE NUMBER

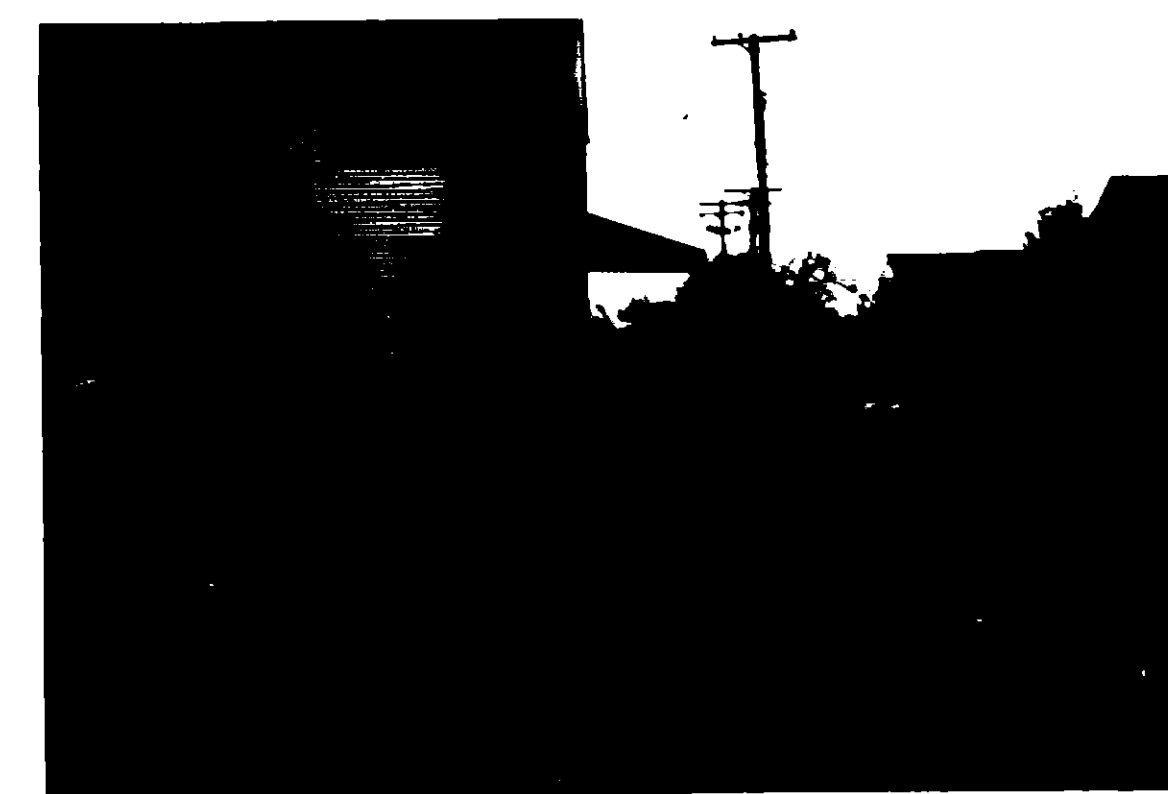
91-373-A



PETITIONER'S EXHIBIT # 4

CASE NUMBER

91-373-A



PETITIONER'S EXHIBIT # 5

CASE NUMBER 91-373-A

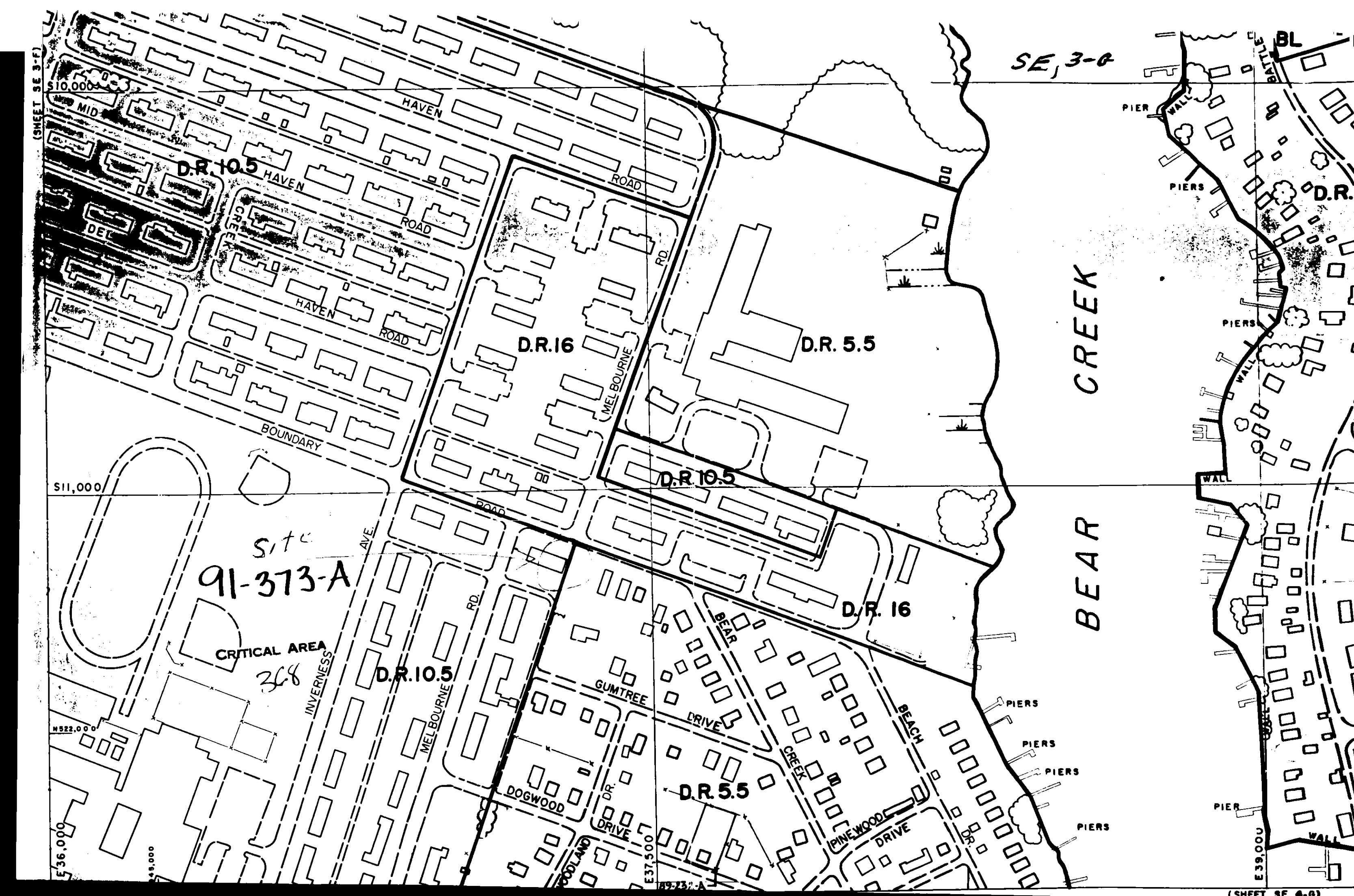


CASE NUMBER 91-373-A



PETITIONER'S EXHIBIT # 6

PETITIONER'S EXHIBIT # 7

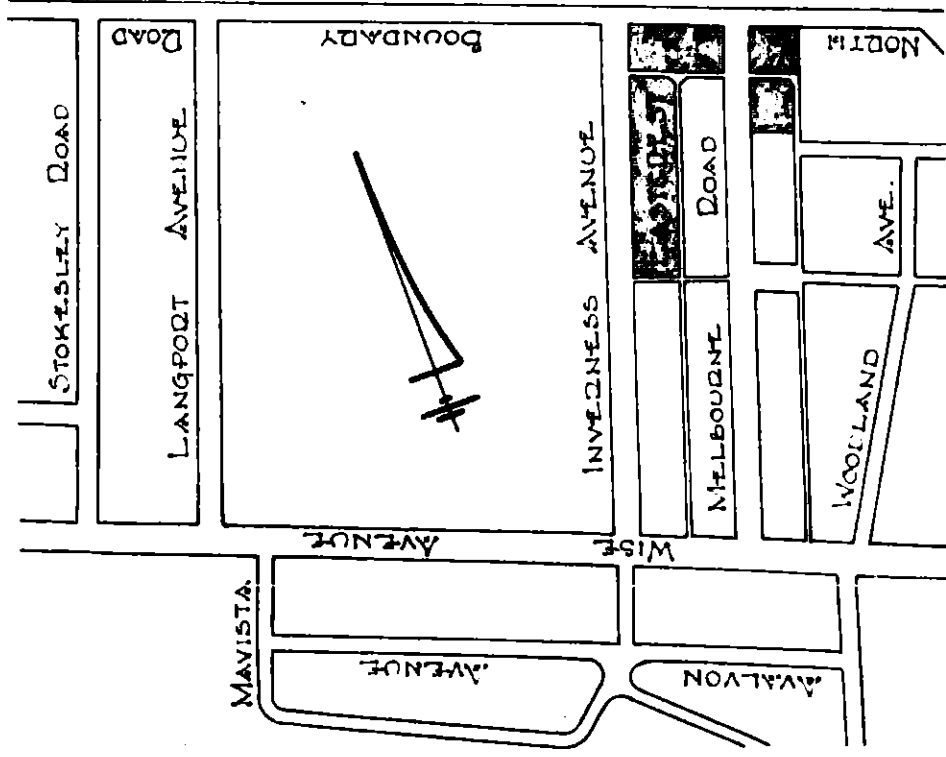


91-373-A
CRITICAL AREA
368

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE 1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION NORTH POINT
SHEET SE 3-6



VICINITY MAP
SCALE: 1"=500'

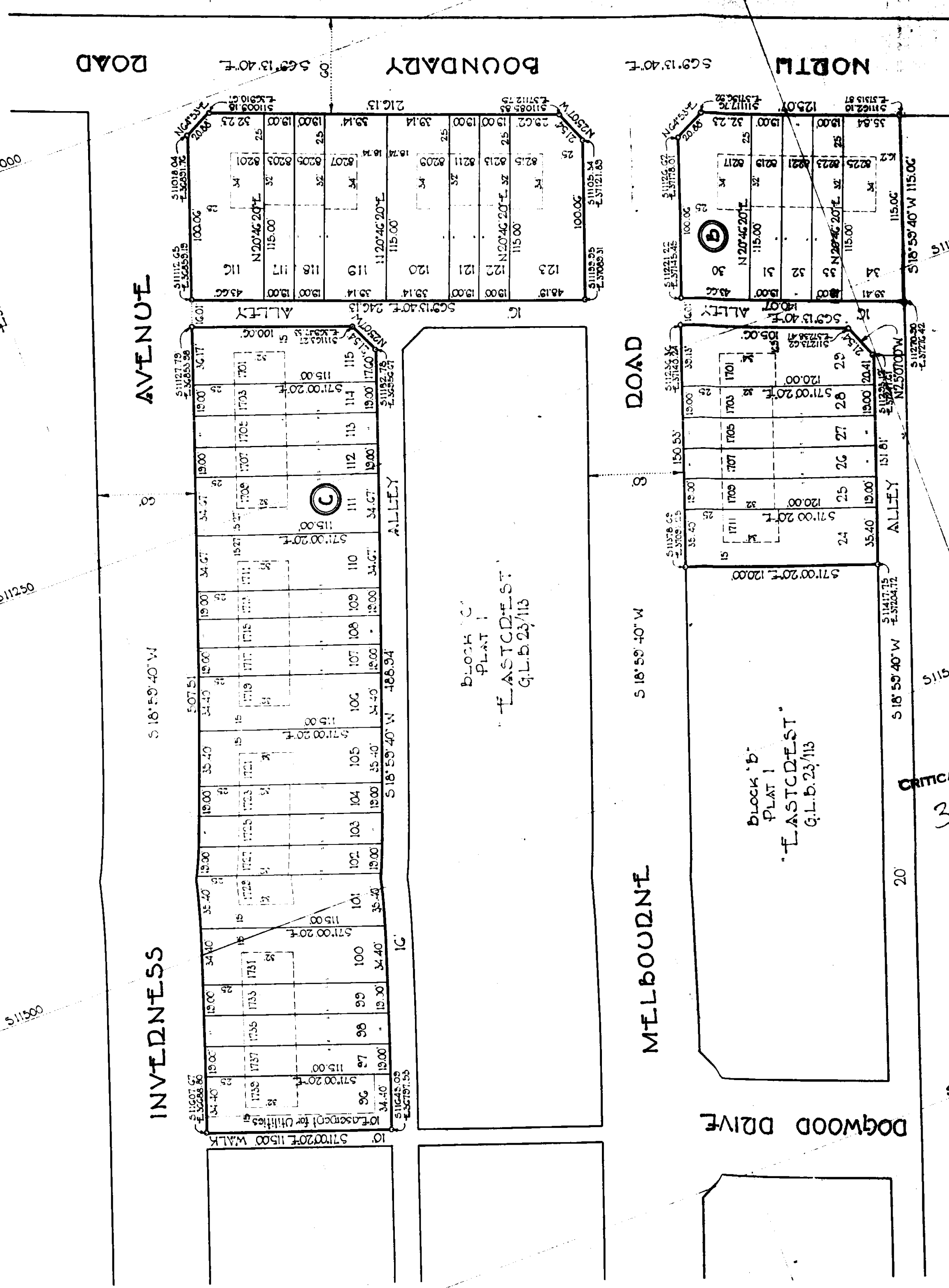
Note: Coordinates are referred to traverse of Baltimore County Metropolitan District.

P.W.A. Completed 12-24-56
Final Plat Case
Examine 12/26/56
Engineering 12/28/56
Date 1-4-57

APPROVED
Director of Planning Board
Date 12-20-56

APPROVED
County Engineer
Date 5/1/57

APPROVED
Commissioner of Public Works
Date 5/1/57



DEVELOPED PLAT OF PARTS OF
BLOCKS 15 AND 16
PLATONE

"EASTCDEST"
12th Elect. Dist. BALTO. CO. MD.
JACK MEYERHOFF & SONS CO.
CHARLES & SARATOGA STREETS
BALTIMORE 1, MARYLAND
APRIL 1957
SCALE: 1"=500'

Note: All houses to have a minimum front setback of 25.

OWNERS CERTIFICATE

The streets and/or roads as shown herein and the portion thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the lands thereof is expressly reserved to the grantors of the deed to which this plat is attached, their heirs and assigns.

The requirements of Section 72 b, Article 17 of the Annotated Code of Maryland (Fack 1547 Supplement) as far as they relate to the making of this plat have been complied with.

JACK MEYERHOFF & SONS CO.
by: Robert E. Meyerhoff
VICE-PRESIDENT

DATE 4/25/57

SURVEYOR'S CERTIFICATE

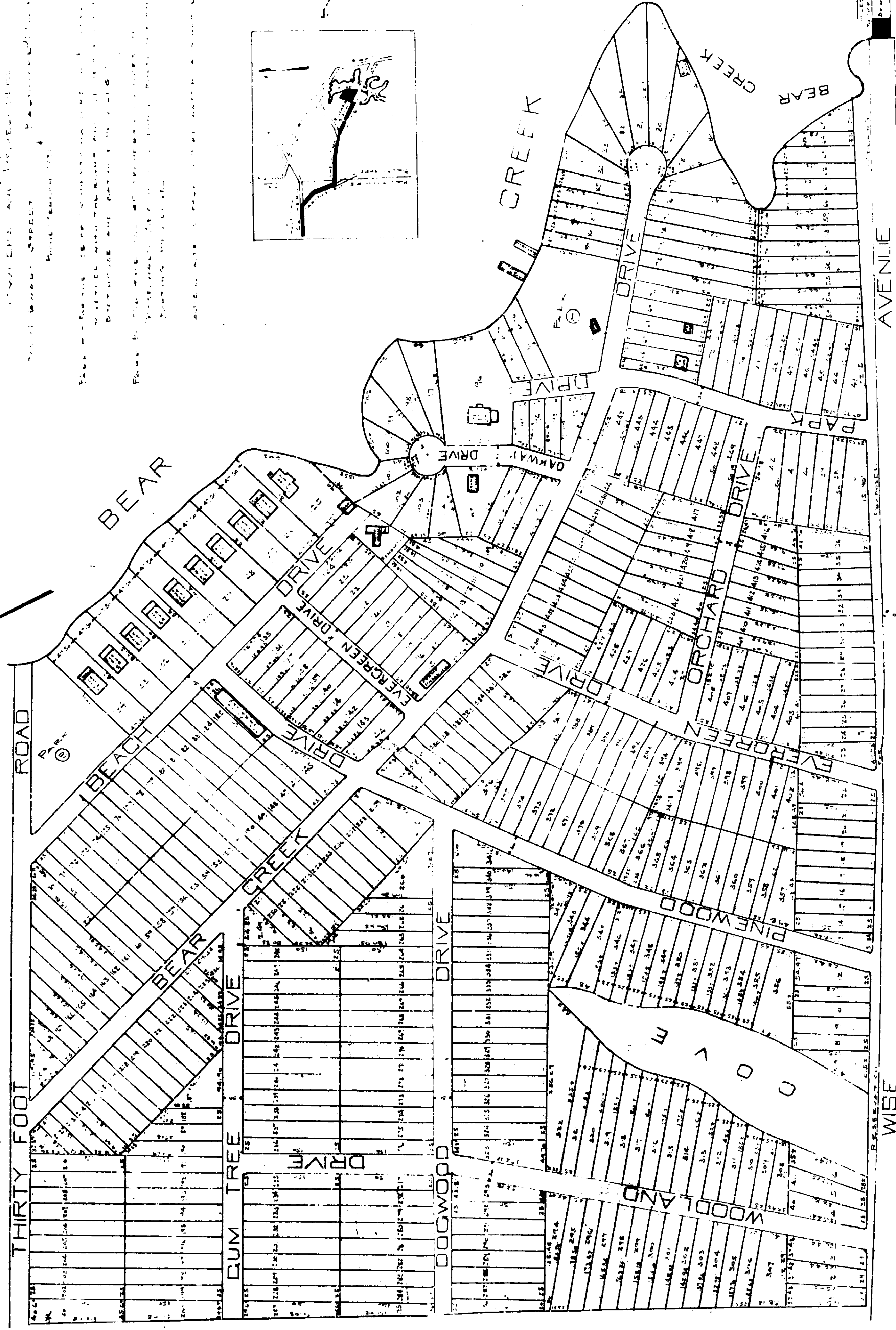
I, Wilson F. Oyster, a registered Land Surveyor of the State of Maryland, do hereby certify that the plat shown hereon is a true and correct copy of the original record of the plat as the same appears in the records of the State of Maryland, and that the same is in accordance with the provisions of the Act of the General Assembly of the State of Maryland, passed on March 10th, 1946, and subsequent Acts amendatory thereto.

W. F. Oyster
DATE 4/25/57
REGISTRATION 18 2183

WILSON F. OYSTER
670 JACK MEYERHOFF & SONS CO.
CHARLES & SARATOGA STREETS
BALTIMORE 1, MARYLAND

ROSEWALD BEACH
FORMERLY FRIEDENWALD ESTATE

HOLDING COMPANY OF BALTIMORE, MD.



RECEIVED FOR RECORD
AUG 26, 1957 3:00 PM
B. W. H. H. H.